IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 14849 of 2004

Between:

Dawala Mangamma, W/o.Dawala Venkata Swamy,
R/o.D.No.12-71, Sunnapu Madigawada, Srikalahasthi Town, Chittoor Dist.

..... PETITIONER

AND

1 The Dist.Collector, Chittoor Dist.
2 The M.R.O., Thottambedu Mandal, Chittoor Dist.
3 Ravinoothala Pedda Venkateswaralu, S/o.Sunnapu Madigawada Village, Srikalahasthi Town, Chittoor Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the 2nd respondent in not implementing the order of the Revenue Divisional officer, Tirupathi in proceedings in D.Dis.783/2003,dated 24-1-204 and not considering the representation of the petitioner dated 30-6-2004 is illegal, arbitrary and in violation of the rights guaranteed under Articles 14, 21 and 350 of the Constitution of India and also in violation of principles of natural justice and consequently direct the 2nd respondent to issue pattedar pass book and title deeds in favour of the petitioner in respect of the land to an extent of Ac.1.05 cents in sy.No.14/6, patta No.88 of Basavalapalem village, Thottembedu Mandal, Chittoor District.

Counsel for the Petitioner:MR.I.NAVEEN KUMAR
Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

On the appeal filed by the petitioner, the Revenue Divisional Officer, Tirupati, by proceedings No.783/2003, dated 24-01-2004 cancelled the pattedar pass book and title deed issued in respect of Survey No.14/6 of Basavaiahpalem Village, Thottambedu Mandal, with a direction to the Mandal Revenue Officer, Thottambedu to go through the revenue records and record the statement of the legal representatives of the original pattedar and also peruse the lawful documents produced by the vendees and take appropriate action as per the Record of Rights Act in accordance with law.

The grievance of the petitioner is that in spite of the directions issued by the Revenue Divisional Officer, Tirupati in the proceedings dated 24-01-2004, the second respondent-Mandal Revenue Officer, Thottambedu Mandal has not taken any action in the matter. In this regard, the petitioner also made a representation dated 30-06-2004 to the first respondent for issuing necessary direction to the second respondent. But so far, no action is forthcoming. Hence, the petitioner moved this Court by way of present writ petition.

If the order passed by the Revenue Divisional Officer, Tirupati has become final and the same has not been challenged by any of the parties, the second respondent is under obligation to conduct enquiry and take appropriate action in the matter as directed by the authority.

In view of the same, the second respondent is hereby directed to take appropriate action as directed by the Revenue Divisional Officer, Tirupati in proceedings dated 24-01-2004, within a period of three months from the date of receipt of a copy of this order after due notice to the parties concerned.

The writ petition is accordingly disposed of. No costs.

20th AUGUST, 2004.

Note: furnish c.c. in two days.

B/o

kvni

To

1 The Dist.Collector, Chittoor Dist.
2 The M.R.O., Thottambedu Mandal, Chittoor Dist.
3 Two CCs to the Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad.(OUT)

4 Two C.D. copies.